



## Exempt Action Proposed Regulation Agency Background Document

<b>Agency name</b>	State Board of Elections
<b>Virginia Administrative Code (VAC) citation</b>	1 VAC 20-60-20
<b>Regulation title</b>	Material Omissions on Referendum Petitions
<b>Action title</b>	Referendum Petitions 2012
<b>Document preparation date</b>	3.21.2012

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of The Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Summary

*Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

Last year, the court in Lux v. Judd held that in-district residency requirements for petition circulators are constitutionally invalid. While the court's decision was limited to congressional races, the rationale of the ruling applies with equal effect to any and all statutory requirements that petition circulators be registered voters and/or maintain in-district residency.

Regulation 1VAC20-60-20 needs to be amended to reflect the court's ruling. The proposed amendment reflects the necessary changes and incorporate the terms of pending emergency legislation that enables anyone to serve as a petition circulator who (i) is a legal resident of the state, (ii) is not a minor and (iii) is not a felon whose voting rights have not been restored. See, SB 613; HB 1133.

In addition, the proposed amended regulation also clarifies any confusion as to the use of the word “page” as it relates to petitions. The Board has interpreted that a petition page is a double-sided document on one sheet of paper. The existing regulations, however, could be read as to create confusion as to whether a “page” constitutes only one side of a double sided sheet. This possible ambiguity has been addressed in the amendment.

Lastly, the Board solicits additional comments as to the general terms of the regulation.

**Family impact**

*Assess the impact of this regulatory action on the institution of the family and family stability.*

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None.

**Public participation**

***Please indicate whether the agency is seeking comments on the proposed regulatory action, including ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.***

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The agency is seeking comments on the proposed regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on voters, candidates and political parties. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected voter, candidates and political parties, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

**Anyone wishing to submit comments may do so at a public hearing scheduled for May 3, 2012 or via the Regulatory Townhall website, [www.townhall.virginia.gov](http://www.townhall.virginia.gov), or by mail, email, or fax to David Blackwood, Policy Analyst, 1100 Bank St., Richmond, VA 23291, 804.864.8930, 804.786.0760 (fax), [david.blackwood@sbe.virginia.gov](mailto:david.blackwood@sbe.virginia.gov) Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period.**